

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of December 21, 2007 be extended two months, from March 21, 2008 to May 21, 2008.

Authorization to charge a Deposit Account is given to cover the extension fee. The Commissioner is hereby authorized to charge the extension fee and any additional fees associated with this communication to Deposit Account No. 50-4364.

In the Office Action, the Examiner indicated that claims 1 through 43 are pending in the application and the Examiner rejected all claims.

Objections to the Drawings

On page 2 of the Office Action, the Examiner has objected to the drawings for failing to show the various elements of the invention recited in claim 1. As best as can be determined, this objection came about due to applicant's introduction of the term "automatically adapting" to claim 1, which the Examiner also objected to. Applicant has amended claim 1 to remove this phrase (see below) and believes this objection is overcome by this amendment.

The §112 Rejections

On page 2 of the Office Action, the Examiner has rejected claims 1-43 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

On page 3 of the Office Action, the Examiner has rejected claims 1-43 under 35 U.S.C.

§112, second paragraph, as being indefinite. Applicant has amended claim 1 to remove the term “automatically” and submits that this amendment overcomes the Examiner’s rejection.

Applicant submits that by this amendment, the claims are now in compliance with 35 USC §112, first paragraph. Applicant therefore requests that this rejection be withdrawn.

**Claim Rejections, 35 U.S.C. §102**

On page 3 of the Office Action, the Examiner rejected claims 1 and 43 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,477,683 to Killian et al.

**The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

**The Examiner Has Not Established a *prima facie* Case of Anticipation**

The design flow of the claimed invention uses executable code as its input to adapt the instruction set and then target parts of the application at an *independent coprocessor* that works alongside the processor for which the application was originally targeted. This differs from Killian in the important respect that the architecture of the original microprocessor is not modified and no application source code or manual modification of code is needed to target the

enhanced instruction set of the coprocessor.

By way of contrast, Killian describes the design process for a microprocessor with a configurable instruction set where the user makes manual choices about possible modifications to the instruction set by the creation of additional instructions. The compiler for the microprocessor is then able to target those additional instructions as well as the core instruction set. Source code is required for the compiler to target the additional instructions or else manual code modifications at the assembly level are required to target those new instructions.

Killian makes no reference to the use of a *coprocessor* and the execution of modified code as is claimed herein.

Applicant submits that the amendments herein place all of the claims in condition for allowance and therefore requests that all pending claims now be allowed.

### **Conclusion**

In view of the foregoing amendments and remarks, applicant respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1, and 6 - 43 be allowed at an early date and the patent allowed to issue.

Included herein is a Petition for extension of time to respond to the Examiner's Action, and authorization to charge the extension fee to a Deposit Account. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-4364.

Respectfully submitted

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Date

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